

**MINUTES OF THE KAIKŌURA DISTRICT COUNCIL MEETING HELD ON
WEDNESDAY 29 SEPTEMBER 2021, 9.00AM, AT TOTARA, COUNCIL CHAMBERS,
96 WEST END, KAIKOURA**

PRESENT: Mayor C Mackle (Chair), Deputy Mayor J Howden, Councillor N Pablecheque, Councillor L Bond, Councillor R Roche, Councillor V Gulleford, Councillor D Millton, Councillor T Blunt

IN ATTENDANCE: W Doughty (Chief Executive), M Dickson (Senior Manager Corporate Services), D Clibbery (Senior Manager Operations), B Makin (Executive Officer).

1. KARAKIA

2. APOLOGIES

RESOLUTION

A late apology was received for Cr T Blunt.

Moved: Deputy Mayor J Howden

Seconded: Cr V Gulleford

CARRIED UNANIMOUSLY

3. DECLARATIONS OF INTEREST Nil

4. PUBLIC FORUM

9.02 am T Chalmers, N Morton, J Morton

T Chalmers and N Morton spoke to the Council regarding the Maintenance of River Fords report on the Works & Services Agenda.

Cr T Blunt joined the meeting at 9.03am

The costs on page 7 and 8 of the Works & Services Agenda were disputed, as were the figures on page 12 and 13. The public forum speakers commented that; the maintenance and timings of the repair works to the ford crossing could have been more cost efficient; that the costs in the report over a two-year period were not a true representation, whereas a five-year period would be; that Hapuku Ford (Grange Road) provides access to three properties; and that the Puhī Puhī Ford has a formed road on the eastern side of the river. Clarification was sought by N Morton on why the grading of the roads was included in the ford grading costs.

Letter from J Gapper

A letter received from J Gapper in relation to the Wakatu Quay Concept Design and access and parking was confirmed as read.

5. FORMAL DEPUTATIONS Nil

6. WORKS AND SERVICES COMMITTEE MEETING

Council staff advised from the BAU Report in the Works & Services Agenda that the Code of Compliance for the Civic Centre had been issued. The Council acknowledged the Building Control & Buildings Manager for achieving Code of Compliance for the building.

The meeting adjourned to the Works and Services Committee meeting at 9.23am.

The meeting reconvened at 9.55am.

7. MINUTES TO BE CONFIRMED

7.1 Council meeting minutes dated 01 September 2021

RESOLUTION

THAT Council:

- *Confirms as a true and correct record, the circulated minutes of a Council Meeting held on 01 September 2021.*

Moved: Cr V Gulleford

Seconded: Cr L Bond

CARRIED UNANIMOUSLY

8. MATTERS ARISING AND ACTIONS

The Matters Arising and Action list was reviewed and noted by Council:

- East Coast Meeting: Council staff confirmed that a meeting with the Village Residents had been confirmed for 6 October 2021.

9. MATTERS OF IMPORTANCE TO BE RAISED AS URGENT BUSINESS Nil

10. MATTERS FOR DECISION

10.1 Wakatu Quay Concept Design & Cost Envelope Approval Report

C Sturgeon, D Smith, L Buurman, W Gilbertson & J Van Rooyen joined the meeting to present the report. It was noted that the next stage is to seek expressions of interest (EOI) for potential investors. The level of interest will influence the detailed design and staging of works. There will be key decision points for the governance board and Council following the EOI responses. It is intended that one of the spaces could host up to 75 people for events or lecturers.

It was noted that the Council will not be asked to contribute more financially that has already been agreed in terms of both capex or opex. Any final commercial model for the site will need to ensure there is no burden to the rate payer. C Sturgeon explained that the intent behind the PGF funding for the project was to stimulate development for the community and not burden the rate payer.

The Chief Executive commented that if the fifth recommendation was approved he would not exercise the right to release the EOI without prior discussion with C Sturgeon and the Council at a closed workshop.

RESOLUTION

THAT the Council:

- *Receives this report.*
- *Notes that the KMDP Governance group have endorsed the concept design and associated cost envelope*
- *Approves the Concept Design & Associated Cost Envelope as presented (in attachment one).*
- *Approves the Communications Strategy (in attachment one).*
- *Agrees to delegate authority to the CEO to approve the EOI release to market following KDMP governance group endorsement of the documentation.*

Moved: Cr D Millton

Seconded: Cr R Roche

CARRIED UNANIMOUSLY

Council Meeting

The meeting adjourned at 10.15am and reconvened at 10.34am.

10.2 Water Reform Proposal – Information and Assessment

Two corrections to recommendation 8 in the report were noted where “Section 17” replaces “Section 16” and “considers” replaces “considerers”.

It was noted that Canterbury Mayoral Forum had requested Central Government to slow the pace of reform down to better understand the implications of the water regulator and more time for a consultation in order for Councils to make an informed decision. The Council noted that it would be unlawful for them to make a decision at this point based on the quality of information provided by Central Government.

The quality and quantity of feedback from the community in response to the preliminary engagement was noted.

The Council acknowledged the detailed report and the extensive work that had gone into the preparation.

A response with feedback to the Department of Internal Affairs will be sent by the 30th September. The report and that response will be added to the Council website and shared with submitters.

RESOLUTION

That Council:

- 1) **notes** the Government’s 30 June and 15 July 2021 Three Waters Reform announcements
- 2) **notes** officer’s advice on the accuracy of the information provided to Council in June and July 2021 as a result of the RFI and WICS modelling processes
- 3) **notes** officer’s analysis of the impacts of the Government’s proposed three water service delivery model on the Kaikōura community and its wellbeing, including the impacts on the delivery of water services and water related outcomes, capability and capacity, and on Council’s sustainability and
- 4) **notes** that a decision to support the Government’s preferred three waters service delivery option is not lawful (would be ultra vires) at present due to section 130 of the Local Government Act 2002 (LGA), which prohibits Council from divesting its ownership or interest in a water service except to another local government organisation, and what we currently know (and don’t know) about the Government’s preferred option
- 5) **notes** that Council cannot make a formal decision on a regional option for three waters service delivery without doing a Long Term Plan (LTP) amendment and ensuring it meets section 130 of the LGA
- 6) **notes** that the Government intends to make further decisions about the three waters service delivery model after 30 September 2021
- 7) **notes** that the Council resolved on 1 September 2021 that it will not agree to transfer any water, wastewater or storm water assets to any other entity without first undertaking a full consultative or referendum process with the Kaikōura community
- 8) **requests** the CEO to seek guidance on and/or give feedback to the Government on the aspects identified in section 17 of this report and any others that Council considers necessary.
- 9) **notes** that the CEO will continue to engage with the various reforms forums and will report back further once they have received further information and guidance from Government, LGNZ and Taituarā on what the next steps look like and how these should be managed.

10) **notes** that it expects to face severe challenges in respect having a decision making process in relation to this matter that complies with the requirements of sections 76, 77, 78, and 79 of the Local Government Act 2002 because of a lack of reliable information and analysis that is proportionate to the decision being made.

11) **expresses the view** that Government has acted in a manner that is contrary to the principles of the Local Government Act 2002 if it requires local authorities to make a decision in circumstances where the requirements of section 79 of the Act cannot reasonably be met, as is believed to be in this case.

12) **expresses the view** that the information that has been presented by central government on the financial implications of the choice between reform or the counterfactual on the Kaikōura District are unreliable and potentially misleading and that this is likely to be counterproductive to consideration of other broader effects of the reforms.

Moved: Mayor C Mackle

Seconded: Cr N Pablecheque

CARRIED UNANIMOUSLY

10.3 Waiau Toa / Clarence Valley Access

The technical peer review has confirmed that the preferred location for the bridge remains the best option. Some further recommendations have been made with regard to wider river protection works which may address concerns raised by Te Rūnanga o Kaikōura. It was discussed that excavation of the old channel is not deemed a feasible solution. Cr D Millton and Cr T Blunt requested to see if there had been any drill tests done in relation to this.

Deputy Mayor J Howden left the room at 11.17am and re-entered at 11.20am.

RESOLUTION

That Council:

- 1) *Receives the report.*
- 2) *Confirms its support for construction of a new bridge across the Waiau Toa / Clarence River at a location approximately 500 metres downstream of the former Glen Alton bridge.*
- 3) *Authorises staff to resume processes to obtain required resource consents for the project and to take other steps towards execution.*
- 4) *Informs Waka Kotahi of its decision to continue progressing the project and obtains the views of that organisation in respect of the revised approaches (in particular in respect of the more reactive approach to erosion control, and procurement of a stockpile of rock for those purposes as part of the project) suggested by the peer reviewer.*
- 5) *Notes that council staff will continue discussions with partners and key stakeholders as the design advances.*

Moved: Cr R Roche

Seconded: Cr N Pablecheque

Against: Cr T Blunt

CARRIED

11. MATTERS FOR INFORMATION

11.1 Mayoral Verbal Update

A verbal update on the meetings attended by Mayor C Mackle in September 2021 was provided. The update covered a Three Waters Reform meeting with Hon Nanaia Mahuta, an Annual General

Meeting (AGM) with the Lions Club, an AGM with Coastguard Kaikoura, and a meeting with the Tuia Programme rangatahi.

He advised in relation to the Tuia Programme that the next wānanga would be held remotely, and the fourth wānanga has been arranged to be held in Auckland, depending on the Covid-19 levels.

Mayor C Mackle had opened the Kaikōura Ukulele Festival on 25 September 2021 and was pleased to see local talent such as the group called 7.8. The Mayor was planning on visiting schools to talk to students and was waiting on an official invite, however this has been delayed due to Covid-19 and exams.

11.2 CEO Monthly Report

It was noted that the Council information reports now include focus areas for the next three months to provide a forward view.

RESOLUTION

That Council receives the report.

Moved: Mayor C Mackle

Seconded: Cr R Roche

CARRIED UNANIMOUSLY

11.3 Youth Council Report

The Youth Awards has been scheduled for 30 October 2021, depending on Covid-19 levels this may need to be delayed. A total of 46 nominations have been received for the Youth Awards.

RESOLUTION

THAT the Council receives the report.

Moved: Mayor C Mackle

Seconded: Deputy Mayor J Howden

CARRIED UNANIMOUSLY

11.4 Community Services Update Report

The report includes new visual statistic reporting which had been extracted from the dashboard tool used by the Library. The Council acknowledged the Covid-19 emergency response from the Council staff and commented that they were well prepared.

RESOLUTION

THAT the Council receives the report.

Moved: Mayor C Mackle

Seconded: Cr L Bond

CARRIED UNANIMOUSLY

11.5 Planning Update Report

It was noted that Sue Powell has been engaged to develop the District Plan Review process project plan.

A discussion was held on resourcing for the planning officer position. It was suggested that Council planning staff attend the next career expo to promote the career pathways for graduate local

planners. Encouraging homegrown talent is not a short-term solution but could provide opportunities for local school leavers in the future.

It was noted that some accommodation operators with deferred resource consents can still trade depending on the conditions of the consents.

RESOLUTION

THAT the Council receives the report.

Moved: Cr N Pablecheque

Seconded: Cr L Bond

CARRIED UNANIMOUSLY

11.6 Building and Regulatory Update Report

Environment Canterbury and KDC will be recruiting for a shared Consent Monitoring Officer. Approximately 20%-time commitment of the role would be to assist the Council's regulatory team with monitoring and consent compliance. It was noted that 1,144 dogs have been registered in the Kaikoura District. The new fire brigade building has received building consent and is on schedule to start works soon.

RESOLUTION

THAT the Council receives the report.

Moved: Cr L Bond

Seconded: Cr D Millton

CARRIED UNANIMOUSLY

12. Council Public Excluded Session

Moved, seconded that the public be excluded from the following parts of the proceedings of this meeting, namely

- a) Chief Executive Officer Performance Appraisal

The general subject matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) and 7 of the Local Government Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each to be considered	Reason for excluding the public	Grounds of the Act under which this resolution is made
To receive the outcome of the Chief Executive Performance appraisal for the year-end 30 June 2021.	The exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local Authority to deliberate in private on its decision or recommendation.	Section (7)(2)(a) protect the privacy of natural persons, including that of deceased natural persons. Section 7(2)(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

Moved: Deputy Mayor J Howden

Seconded: Cr D Millton

CARRIED UNANIMOUSLY

The meeting adjourned for lunch at 11.53 am and reconvened at 1.08 pm.

The Public Excluded portion of the meeting occurred from 1.08 pm.

13. REOPENED MEETING

The Public Excluded portion of the meeting closed at 1.27 pm.

14. NEXT MEETING

There being no further business, the meeting was declared closed at 1.27 pm.

CONFIRMED _____ Chairperson

_____ Date

UNCONFIRMED MINUTE

**COUNCIL ACTIONS AS AT 6 OCTOBER 2021
OPEN ACTION ITEMS**

	ACTION ITEM	ASSIGNED TO	DUE	STATUS
1	3 Waters reform – engagement with Te Rūnanga o Kaikōura	W Doughty	Ongoing	Report and feedback to DIA have been provided to the Runanga. Ongoing korero.
2	East Coast meeting to discuss future options	D Clibbery / W Doughty	Ongoing	Village Residents meeting date scheduled for 06 Oct 2021
3	Quarterly progress reporting due from The Kaikōura Cycle Club, The Mayfair, Te Korowai, Destination Kaikōura and Sports Tasman	-	27 Oct 21 23 Feb 22 25 May 22 27 Jul 22	Raised at LTP deliberations. Organisations have been informed of the dates.
4	Shingle bed up Kowhai – address ownership / liability with ECAN and Water Zone Committee	To be assigned	-	Raised at LTP deliberations.
5	Bike Link Crossing (Mill Road Railway)	W Doughty	01 Sep 21	
6	Bore logs for old Waiiau Toa river channel to be provided if previously undertaken.	D Clibbery	31 Oct 21	

UNCONFIRMED MINUTES